

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JESSIE HEARNS and GWENDOLYN
HEARNS,

PLAINTIFFS

VS.

TRAVLERS PERSONAL SECURITY
INSURANCE COMPANY,

DEFENDANT

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CIVIL ACTION NO. 2:13-CV-02217

PLAINTIFFS' MOTION TO COMPEL DISCOVERY

COME NOW, Plaintiffs, Jessie Hearns and Gwendolyn Hearns, by and through undersigned counsel, and submit this Motion for an Order Compelling Defendant to respond to Plaintiff's First Set of Interrogatories and Requests for Production. In support of this Motion, Plaintiffs would show unto the Court the following, to-wit:

1. On September 18, 2013, Plaintiffs propounded their First Set of Interrogatories and Requests for Production of Documents. A true and correct copy of the discovery requests is attached hereto as Exhibit "A."

2. On October 7, 2013, counsel for Defendant e-mailed Plaintiffs' counsel and indicated that he might need an extension of time to provide responses to Plaintiffs' discovery requests. The extension was granted.

3. On November 21, 2013, counsel for Defendants e-mailed Plaintiffs' counsel, indicating that a draft of the discovery responses had been forwarded to the Defendant for

signature, that the requested documents had been compiled, and that a privilege log had been prepared. *See* November 21, 2013 e-mail (attached as Exhibit “B”).

4. Having failed to receive any response from the Defendant, Plaintiffs’ counsel e-mailed counsel for Defendant on December 19, 2013 to inquire as to the status of the responses. *See* December 19, 2013 e-mail (attached as Exhibit “C”).

5. In response, counsel for Defendant promised to inquire as to the status of discovery and the parties agreed to seek an extension of time on deadlines contained in the Court’s Scheduling Order.

6. On January 3, 2014, Plaintiffs’ counsel again e-mailed counsel for Defendants to inquire as to the status of the Defendants’ discovery responses. *See* January 3, 2014 e-mail (attached as Exhibit “D”). Plaintiffs’ counsel also indicated that he would be forced to file a motion to compel if the Defendant’s discovery responses were not received prior to the Status Conference, scheduled for January 10, 2014.

7. To date, Plaintiffs have not received Defendant’s discovery responses.

8. Accordingly, pursuant to FED.R.CIV.P. 37, Plaintiffs move for an Order compelling Defendant to fully and completely respond to Plaintiffs’ Interrogatories and Requests for Production. Additionally, Plaintiffs request that the Court order Defendants’ to pay the reasonable expenses incurred in making this Motion, including attorney’s fees.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request that the Court enter an Order compelling Defendants to fully and completely respond to Plaintiffs’ Interrogatories and Requests for Production and requiring Defendant, its attorneys, or both to pay the Plaintiffs’ reasonable expenses in making this Motion, including attorney’s fees.

Respectfully submitted,

THE MCLEAN LAW FIRM, LLC

DATE: January 9, 2014

BY: /s/Kenneth D. McLean
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CERTIFICATE OF CONSULTATION

I HEREBY CERTIFY that I conferred in good faith via electronic mail with counsel for Defendant in an effort to obtain the Defendant's responses to Plaintiffs' Interrogatories and Requests for Production without court action.

/s/Kenneth D. McLean
OF COUNSEL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day electronically filed a true and correct copy of the above and foregoing using the Court's CM/ECF System, which automatically sent notice of the filing to all counsel of record.

This the 9th day of January, 2014.

/s/Kenneth D. McLean
OF COUNSEL